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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,830	09/29/2003	Randolph J. Crowson II	1002/201	2538
7590	09/27/2004			
EXAMINER				
CHAPMAN JR, JOHN E				
ART UNIT		PAPER NUMBER		
2856				

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,830	Applicant(s) CROWSON, RANDOLPH J.	
	Examiner John E Chapman	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The information disclosure statement filed 29 December 2003 fails to comply with the provisions of 37 CFR 1.98(b)(5) because it does not include the date and place of the Labworks Inc. publications. It has been placed in the application file, but the Labworks Inc. publications referred to therein have not been considered as to the merits.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-4, 10-16, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the import of “additionally” in line 1 is unclear, since claim 1 does not recite the top portion being supported.

Regarding claim 4, there is no antecedent basis for “the spring assembly” in line 1.

Regarding claim 10, there is no antecedent basis for “the coil portion” in line 4.

Regarding claim 12, there is no antecedent basis for “the coil portion” in line 3.

Regarding claim 16, there is no antecedent basis for “the spring assembly” in line 2.

Regarding claim 22, there is no antecedent basis for “the coil portion” in line 3.

Regarding claim 23, it is not clear what is meant by the limitation “operative with the top portion and the bottom portion to support the apparatus in the presence of a force” in lines 14-15. Since the springs 17 are located between parts of the electromagnetic apparatus, it is not clear that the springs support the apparatus itself. Rather, the springs appear to support only a part of

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the electromagnetic apparatus, namely the top plate 5. Furthermore, "in the presence of a force" is vague and indefinite. What force?

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-7 and 10-15, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al.

Lang et al. discloses a moveable assembly in Fig. 1 comprising a bottom portion, a moveable top portion (load table), and an electromagnetic assembly comprising a coil integrated with the top portion and a magnet integrated with the bottom portion.

Regarding claim 13, a load table comprises a movable platform.

7. Claims 2, 4, 18-21 and 23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of Schloss.

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Regarding claim 2, Lang et al. supports the load table with support flexures. The only difference between the claimed invention and the prior art consists in supporting the load table with a spring assembly about the periphery of the electromagnetic assembly. Schloss teaches supporting a load table 10 with a spring assembly 12 about the periphery of an electromagnetic assembly 18, 20. It would have been obvious, in view of Schloss, to provide a spring assembly about the periphery of the electromagnetic assembly of Lang et al. in order to support the load table of Lang et al.

8. Claims 1, 3 and 5-8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Saito.

Saito discloses a moveable assembly in Fig. 2 comprising a bottom portion 20, a moveable top portion 10, and an electromagnetic assembly comprising a portion 11 integrated with the top portion and another portion 7 integrated with the bottom portion.

9. Claims 1-8, 10-15, 18-21 and 23, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al.

Lee et al. discloses a moveable assembly in Fig. 3 comprising a bottom portion 60, a moveable top portion 20, and an electromagnetic assembly comprising a portion 30 integrated with the top portion and another portion 70 integrated with the bottom portion.

Regarding claims 2 and 4, Lee et al. discloses a spring assembly 80.

Regarding claims 6-8, Lee et al. discloses a moveable assembly in Fig. 3 comprising a bottom portion 20, a moveable top portion 40, and an electromagnetic assembly comprising a

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portion 50 integrated with the top portion and another portion 30 integrated with the bottom portion.

Regarding claim 10, Lee et al. discloses a moveable assembly in Fig. 2 comprising a bottom portion 320, a moveable top portion 200, and an electromagnetic assembly comprising a portion 120 integrated with the top portion and another portion 300 integrated with the bottom portion. The top portion contacts an object 400 such that vibratory motion is imparted to the object. Note col. 2, lines 55-65.

Regarding claim 12, bottom portion 320 in Fig. 2 contacts a fixed surface of the case 400.

Regarding claim 13, the object 400 comprises a moveable platform, since it is provided in a portable phone. Note col. 2, lines 10-16.

Regarding claim 14, bottom portion 320 in Fig. 2 contacts a floor of the case 400.

10. Claims 9, 17 and 22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al.

Regarding claim 9, the only difference between the claimed invention and the prior art consists in embedding the coil 50 in the top portion 40 in Fig. 3 (or coil 70 in the top portion 40 in Fig. 11). It is well known in the art to embed a coil in a surface in order to minimize the size of a coil, and merely to embed the coil 50 (or 70) in a surface would have been obvious in order to minimize the size of a coil.

Regarding claim 17, the only difference between the claimed invention and the prior art consists in providing bushing material on the moveable assembly for providing transverse support during vibratory motion. It is known in the art to provide shock absorbing material at a

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place where a vibrating body collides with a case, as taught by Lee et al. in col. 2, lines 59-62.


Accordingly, it would have been obvious to provide shock-absorbing material at a place where vibrating body 10 collides with the fixed cover 60 as a result of transverse motion. It would have been obvious to provide shock-absorbing material on either the vibrating body 10 or the fixed cover 60, since it would function in the same manner in either location.

Regarding claim 22, Lee et al. discloses in Fig. 2 a current supplying section 500 connected to the coil 121. The only difference between the claimed invention and the prior art consists in providing an electrical connector on the outer portion of case 400 for connecting the current supplying section 500 to the coil 121. It would have been obvious that the vibration apparatus is intended to be used with alternate power supplies, for example when one power supply is exhausted, and accordingly it would have been obvious to provide an electrical connector on the outer portion of case 400 in order to connect the coil 121 to a different current (i.e., power) supply.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
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